

AMENDED IN SENATE MARCH 30, 2004

SENATE BILL

No. 1692

Introduced by Senator Vasconcellos
(Principal coauthor: Assembly Member Pacheco)
(Coauthors: **Senators Florez and McPherson**)
(Coauthor: Assembly Member Pavley)

February 20, 2004

An act to amend Section 49455 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 1692, as amended, Vasconcellos. ~~Pupils: hearing and vision screening~~ Pupil health: vision appraisal.

(1) Existing law requires, upon first enrollment in a California school district of a pupil at a California elementary school, and at least every 3rd year thereafter until the pupil has completed the 8th grade, the pupil's vision to be appraised by the school nurse or other authorized person, as specified.

This bill would also require that if a vision appraisal is conducted, each pupil is to receive a notice and questionnaire regarding pupil vision, which he or she would be instructed to deliver to his or her parent or guardian. The bill would require each school to commence that distribution no later than September 1, 2005.

The bill would, in addition, set forth the text of the notice and the manner in which the State Department of Education is required to develop the questionnaire. The bill would provide that the notice and questionnaire may be included with any other written communication sent to a parent or guardian and that in the interest of efficiency, it may be sent to the parents or guardians of pupils not subject to a vision

appraisal in addition to the parents or guardians of pupils that have received a vision appraisal. By imposing additional duties on school districts relating to vision appraisals, this bill would impose a state-mandated local program.

This bill would authorize the department to amend the notice and questionnaire after consultation with qualified eye care professionals.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law requires the governing board of each school district to provide for sight and hearing testing of each pupil enrolled in the district, as specified.~~

~~This bill would declare the intent of the Legislature that state funding in excess of that necessary to meet constitutional and statutory requirements be first dedicated to providing sight and hearing tests to pupils before the completion of grade 2.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. — It is the intent of the Legislature that with respect~~
 2 *SECTION 1. The Legislature finds and declares all of the*
 3 *following:*

4 (a) *The people of California recognize the significance of*
 5 *ensuring that each and every pupil is tested periodically for vision*
 6 *acuity.*

7 (b) *Pupils with treatable vision obstacles that go undiagnosed,*
 8 *whose parent or guardian may not be aware of alternative*
 9 *screening measures available to address their specific needs, can*
 10 *become inattentive, too often underachieve, and are often labeled*
 11 *as “at-risk.”*

12 (c) *There is growing evidence that many pupils in the public*
 13 *education system, and more within the juvenile justice and*
 14 *correctional systems, who performed poorly in school were*
 15 *affected by undiagnosed vision problems that went undiagnosed*
 16 *based upon the current standards for vision testing.*

1 (d) Good vision consists of more than 20/20 eyesight and the
2 standard for vision screening should maximize the potential for
3 diagnosing treatable vision problems at a time critical to making
4 a difference to the pupil's educational development by addressing
5 a pupil's ability to understand and interpret visual information.

6 SEC. 2. Section 49455 of the Education Code is amended to
7 read:

8 49455. (a) Upon first enrollment in a California school
9 district of a ~~child~~ pupil at a California elementary school, and at
10 least every third year thereafter until the ~~child~~ pupil has completed
11 the eighth grade, ~~the child's~~ his or her vision shall be appraised by
12 the school nurse or other authorized person ~~under~~ described in
13 Section 49452. This evaluation shall include tests for visual acuity
14 and color vision; ~~however, color~~. Color vision shall be appraised
15 once and only on male ~~children~~ pupils, and the results of the
16 appraisal shall be entered in the health record of the pupil. Color
17 vision appraisal need not begin until the male pupil has reached the
18 first grade. Gross external observation of the ~~child's~~ pupil's eyes,
19 visual performance, and perception shall be ~~done~~ performed by the
20 school nurse and the classroom teacher.

21 (b) (1) (A) Commencing no later than September 1, 2005,
22 upon the performance of an appraisal pursuant to subdivision (a),
23 each pupil shall receive a notice and questionnaire regarding his
24 or her vision. Each pupil shall be instructed to deliver the notice
25 and questionnaire to his or her parent or guardian.

26 (B) The notice and questionnaire may be included with any
27 other written communication delivered to a parent or guardian. In
28 the interest of efficiency, if a school elects to send the notice and
29 questionnaire pursuant to this subparagraph, it may send the
30 materials to parents or guardians of pupils not subject to a vision
31 appraisal in addition to the parents or guardians of pupils
32 identified in subparagraph (A). All costs associated with the
33 production and distribution of the notice and questionnaire shall
34 be paid for using existing funding resources. A school district may
35 not be reimbursed for the costs associated with sending the notice
36 and questionnaire to parents or guardians of pupils not subject to
37 a vision appraisal.

38 (2) The notice shall contain the following language:

39
40 "Dear Parent or Guardian:

1 *Your child's ability to see clearly and to accurately interpret*
2 *visual information is crucial to his or her learning and success in*
3 *school. To aid in identifying additional vision-related difficulties*
4 *that may not have been discovered through existing visual health*
5 *testing procedures at your child's school, but may merit treatment*
6 *by a qualified eye care professional, the Legislature has passed a*
7 *law requiring that a notice and questionnaire be sent home with*
8 *your child if he or she has received vision acuity or color visual*
9 *screening at their school.*

10 *Enclosed with this notice is a questionnaire that you are*
11 *encouraged to complete."*

12
13
14 *(3) In order to make the questionnaire available by September*
15 *1, 2005, pursuant to subparagraph (A) of paragraph (1), the*
16 *department shall do either of the following:*

17 *(A) Adopt a questionnaire, if available, that has been*
18 *scientifically validated. If a scientifically validated questionnaire*
19 *is not available, the department may review other available*
20 *questionnaires and shall select one for adoption.*

21 *(B) Develop a questionnaire in consultation with the State*
22 *Department of Health Services and with input from the California*
23 *Academy of Ophthalmology and the California Optometric*
24 *Association.*

25 *(c) Notwithstanding paragraphs (2) and (3) of subdivision (b),*
26 *the department may amend the notice and questionnaire after*
27 *consultation with qualified eye care professionals.*

28 *(d) The evaluation and appraisal performed pursuant to this*
29 *section may be waived, if the ~~child's~~ pupil's parents so desire, by*
30 *their presenting of a certificate from a physician and surgeon or an*
31 *optometrist setting out the results of a determination of the ~~child's~~*
32 *pupil's vision, including visual acuity and color vision.*

33 ~~The provisions of this~~

34 *(e) This section ~~shall~~ does not apply to any ~~child~~ pupil whose*
35 *parents parent or guardian file files with the principal of the school*
36 *in which the ~~child~~ pupil is enrolling, a statement in writing that*
37 *they ~~adhere~~ the parent or guardian adheres to the faith or teachings*
38 *of any a well-recognized religious sect, denomination, or*
39 *organization and in accordance with its creed, tenets, or principles*
40 *depend for healing upon prayer in the practice of their religion.*

1 *SEC. 3. It is the intent of the Legislature that funds*
2 *appropriated to implement existing vision appraisal services shall*
3 *be used to support the requirements imposed by subdivision (b) of*
4 *Section 49455 of the Education Code.*

5 *SEC. 4. State and federal funds appropriated in support of*
6 *pupil vision appraisals or screening programs, including, but not*
7 *limited to, funds made available through an appropriate item in the*
8 *annual Budget Act, shall be considered additional revenue in*
9 *accordance with subdivision (e) of Section 17556 of the*
10 *Government Code and shall be used to offset any state-mandated*
11 *local costs incurred by school districts when complying with this*
12 *act.*

13 *SEC. 5. No reimbursement is required by this act pursuant to*
14 *Section 6 of Article XIII B of the California Constitution because*
15 *this act provides for additional revenue that is in an amount*
16 *sufficient to fund the cost of the state mandate within the meaning*
17 *of Section 17556 of the Government Code. to funding in excess of*
18 ~~*the amount required to meet existing constitutional and statutory*~~
19 ~~*requirements to fully fund growth in cost of living for elementary*~~
20 ~~*and secondary school programs and community colleges, priority*~~
21 ~~*be given to investment in programs that screen pupils for auditory*~~
22 ~~*and vision impairments prior to their completion of grade 2.*~~

